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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,018	07/29/2003	Mohamed M. Morad	2661.465US01	7636
23552 MERCHANT &	7590 03/25/200 & GOULD PC	EXAMINER		
P.O. BOX 2903			TRAN LIEN, THUY	
MIINNEAPOLI	S, MN 55402-0903		ART UNIT	PAPER NUMBER
			1794	
			MAIL DATE	DELIVERY MODE
			03/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/629,018	MORAD ET AL.	
Examiner	Art Unit	

The MALINIB DATE of this communication appears on the cover sheet with the correspondence address ITER REPLY FILED <u>07 March 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. I. A The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To a void abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, afficiavit, or other evidence, which places the application in condition for allowance, (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.3 (or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expiresmonths from the mailing date of the final rejection. b) The period for reply expiresmonths for reply expires later from everth, however, will the salkurby period for reply expires that fails (8) MCNTHS from the mailing date of the final rejection. EXISTED FAILS THE CONTROL OF THE TENED FAILS THE CONTROL OF THE TENED FAILS THE TEN		Lien T. Tran	1794						
 I. M The reply was filled after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, application in similar timely file one of the following replies: (1) an amendment, afficiation, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:	The MAILING DATE of this communication appe	ears on the cover sheet with the c	correspondence add	ress					
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expiresmonths from the mailing date of the final rejection, whichever is later. It no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If too 1: is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TW MONTHS OF THE FINAL REJECTION. See MPEP 706 67(f). Extensions of time may be obtained under 37 CFR 1.135(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee lave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee lave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee lave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee lave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee lave for the filed vibrit in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed any reduce any examend patent term adjustment. See 37 CFR 1.74(a) and see 1.75 (a) and any reduce any examend patent term adjustment. See 37 CFR 1.04(b), and the proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) The proposed amendment(s) filed after a final rejection, but prior to the date of filing a bri	HE REPLY FILED 07 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.								
The period for reply expiresmonths from the mailing date of the final rejection, whichever is later. It no event, however, will the statutory period for reply expires on. (1) the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, whichever is later. It no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: It box it is checked, sheek cisher box (a) or (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TW MONTHS OF THE FINAL RELECTION, See IMFEP 708 07(b). Extensions of time may be obtained under 37 CFR 1.13(c) and the appropriate extension fee nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee nave been filed in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, my reduce any armed patent term adjustment. See 37 CFR 1.704(b). MOTICE OF APPEAL I. The Notice of Appeal was filed on 07 March. 2008. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appea file of high the Notice of Appeal was been filed, any reply must be filed within the time periods at forth in 37 CFR 41.37(a). MENDMENTS In proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise we	application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of App for Continued Examination (RCE) in compliance with 37 (replies: (1) an amendment, affidavit eal (with appeal fee) in compliance	t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request					
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(a)		but prior to the date of filing a brief.	will not be entered be	cause					
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE:	- · · · · · · · · · · · · · · · · · · ·			04400					
appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE:	(b) They raise the issue of new matter (see NOTE belo	ow);							
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE:	· · · · · · · · · · · · · · · · · · ·	tter form for appeal by materially rec	ducing or simplifying th	he issues for					
NOTE: (See 37 CFR 1.116 and 41.33(a)). 1.	— '''	corresponding number of finally reig	octed claims						
 The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). Applicant's reply has overcome the following rejection(s):	-		cied ciaims.						
Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: none. Claim(s) objected to: none. Claim(s) objected to: none. Claim(s) withdrawn from consideration:	_		mpliant Amendment (l	PTOL-3 2 4).					
non-allowable claim(s). For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: none. Claim(s) objected to: none. Claim(s) objected to: none. Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 3. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). D. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).									
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13. Other:	See Continuation Sheet.	·	condition for allowan	ce because:					
/Lien T Tran/									
Primary Examiner, Art Unit 1794			nit 1794						

Continuation of 11. does NOT place the application in condition for allowance because: applicant's argument is not persuasive for reason of record. The portion of the book submitted by applicant is only directed at croissant; thus, it is not evidence to reach a conclusion for all puff pastries. Applicant makes reference to the declaration; applicant is reminded that the declaration was not entered as indicated in the previous advisory action..